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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,530	05/03/2005	Tateo Uegaki	892_030	8974
25191	7590	08/03/2006	EXAMINER	
BURR & BROWN PO BOX 7068 SYRACUSE, NY 13261-7068			TOLAN, EDWARD THOMAS	
			ART UNIT	PAPER NUMBER
			3725	

DATE MAILED: 08/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/533,530

Applicant(s)

UEGAKI, TATEO

Examiner

Edward Tolan

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

Applicant should provide an amendment to the beginning of the specification stating the 35 USC 371 priority data.

IDS

The International Preliminary Examination Report filed 6-19-2006 has been reviewed by the Examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Tsukai (JP 09-206833). Tsukai discloses a sheet metal repair device comprising a drawing device (4,5,16) and a plurality of leg parts (8A,8B) fixed to a panel surface by feet (10A,10B). The leg parts are used as fulcrums to pull out a dent using the drawing device. The leg parts (8A,8B) are connected to the drawing device at acute angles providing inclinations with respect to a perpendicular line extending from the panel surface. The leg parts are swingably supported (14) with respect to the drawing device (fig. 5). Parts (11A,11B) vary an angle of the leg parts.

Claims 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Ishihara (5,943,902). Ishihara discloses a sheet metal repair support jig including a drawing

Art Unit: 3725

device (15,18) and a plurality of leg parts (2) fixed to a panel surface. The leg parts are used as fulcrums to pull out a dent using the drawing device. The jig comprises a base plate portions (21) fixed around a dent and a fixation plate (86) serving as an added proper fixation place using the base plate portions as a fulcrum. The fixation plate angles are adjusted by a connection cord (82) and slide means (83).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukai (JP 09-206833) in view of Uegaki (6,655,185). Tsukai does not disclose a main frame movable with respect to a set of sub frames. Uegaki teaches a jig comprising a set of sub frames (53,55) and a main frame (54) supporting a drawing device. The main frame is connected to the sub frames by a frame bracket (59) slidable with respect to the sub frames. The frame bracket has a portion (58) that fits into a hole (56) in bearing plates (57) to allow rotation of the drawing device. The main bracket is detachable from the sub frames (figs. 16,17). It would have been obvious to one skilled in the art at the time of invention to provide the drawing device of Tsukai with a jig including a main frame and sub frames as taught by Uegaki in order to position the drawing device easily in relation to a dent.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukai in view of Uegaki and further in view of Holsapple (3,712,106). Tsukai in view of Uegaki does not disclose suction cups at the ends of leg parts. Holsapple teaches that it is known to provide suction cups (24,26) and that piping (28,48) is connected to a source (30) of pressure in order to fix the cups to a panel surface. It would have been obvious to one skilled in the art at the time of invention to substitute the suction cups of Holsapple for the feet of Tsukai in view of Uegaki in order to attach a drawing device to a panel by non-marking means.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication should be directed to Ed Tolan whose telephone number is 571-272-4525. FAX communications should be sent to 571-273-8300.

EDTOLAN
PRIMARY EXAMINER

